

RECEIVED THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

DEBRA B. HACKETT, CLK
IN RE: EMPLOYMENT DISCRIMINATION
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
AGAINST THE STATE OF
ALABAMA, et al.:

EUGENE CRUM, JR., et al.,

Plaintiffs,

v.

STATE OF ALABAMA, et al.,

Defendants.

RAYFORD MACK,

Plaintiff-Intervenor,

v.

STATE OF ALABAMA, GOVERNOR DON
SIEGELMAN, STATE OF ALABAMA PERSONNEL
DEPARTMENT, STATE OF ALABAMA
DEPARTMENT OF HUMAN RESOURCES, and
COMMISSIONER BILL FULLER,

Defendants.

2:07cv465-MHT
CIVIL ACTION NO.:
CV-94-T-356-N

MOTION TO INTERVENE

COMES NOW the applicant, Rayford Mack, pursuant to Rule 24(b) of the Federal Rules of Civil Procedure, and applies to this Court for permission to intervene as a party plaintiff in the above-entitled cause. As grounds for this Motion, the applicant would show unto the Court as follows:

1. This Motion is timely based upon the following factors:

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- (a) Length of Time Applicant Has Known Of His Interest. The plaintiff-intervenor received his right-to-sue letter from the EEOC dated November 2, 2001. Plaintiff-intervenor has filed this motion within 90 days of the issuance of his right-to-sue letter. Based on these facts, it should be held that there has been no undue delay on the part of the applicant seeking intervention into this lawsuit.
- (b) Prejudice to Parties from Failure to Move Sooner. The parties will not be unduly prejudiced by the intervention sought herein.
- (c) Prejudice to Applicant if Intervention Denied. Applicant will be unduly prejudiced by the necessity of maintaining an individual, separate lawsuit involving complex issues and costly experts, which will be duplicative of the present case.
- (d) Unusual Circumstances. The circumstances of the case militate in favor of intervention as it will prevent duplicative and expensive discovery and the retrial of identical issues.

2. A copy of this Motion is being served upon all parties through their respective counsel.

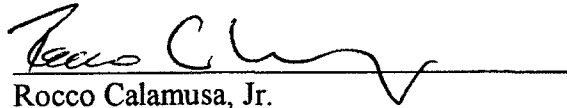
3. The applicant's claims and the claims of the named plaintiffs, plaintiff-intervenors and the putative class in the case at bar involve common questions of law and fact.

4. This Motion is accompanied by applicant's complaint-in-intervention, which is attached hereto.

5. Intervention will not unduly delay or prejudice the adjudication of the rights of the original parties.

WHEREFORE, Premises Considered, applicant respectfully moves this Court to permit his intervention into the instant legal action as a party plaintiff.

Respectfully submitted,



Rocco Calamusa, Jr.
Counsel for the Plaintiff-Intervenor
and Plaintiff Class

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served, either by hand delivery or by placing same in the United States Mail, properly addressed and first class postage prepaid, on this the 31 day of January, 2002 on the following:

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